

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**Richard T. Oesterreicher, Craig
Murphy, Brian Eng, and Brad Jackson
Application No.: 10/609,433
Filing Date: June 27, 2003
For: ADAPTABLE CACHE FOR DYNAMIC DIGITAL MEDIA**

**Confirmation No.: 7933
Group Art Unit: 2186
Examiner: Sheng Jen Tsai**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF AARON F. BOURGEOIS

1. I am an attorney at the law firm Woodcock Washburn LLP.
2. I am the attorney responsible for the prosecution of United States Application No. 10/609,433, also known as Woodcock Docket No. **BU-0126.
3. I have completed a thorough search of the file jacket and docket records, and have concluded that the Notice of Allowance and Fee(s) Due (Notice of Allowance) indicated as mailed on January 31, 2008 was not received by Woodcock Washburn LLP.
4. Enclosed are a redacted copy of a mail log record (Exhibit A) that discloses receipt of all correspondence received from the PTO beginning on January 31, 2008, the mailing date of the non-received Notice of Allowance, and continuing through March 3, 2008, more than 30 days after the Notice of Allowance was mailed; and a redacted copy of a docket report (Exhibit B) on which the Notice of Allowance would have been entered had it been received. I have reviewed both of these documents and confirm that the Notice of Allowance was not entered on either record because it was never received by my firm.

5. I confirm that the copies of the mail log record and docketing report have been redacted to prevent disclosure of confidential information. Each of the firm's docket numbers is an alpha-numeric code. The alpha portion of the alpha-numeric code represents the given client while the numeric portion identifies the particular matter for that client, e.g., alpha code **BU identifies Midstream Technologies, Inc. as the client and numeric code 0126 corresponds to United States Application No. 10/609,433. Disclosure of a given alpha-numeric codes could potentially identify our clients and their respective properties to the public upon issuance of the application in question. In addition, such disclosure could reflect confidential information of those respective clients. Accordingly, all alpha-numeric codes not relating to Issue Fees due or Notices of Allowance have been redacted from the mail log and the docketing report. Additionally, the alpha code portion of the alpha-numeric docket numbers for those entries relating to Issue Fees or Notices of Allowance have been redacted from the enclosed docket report and mail log. Thus, it is evident that no entries relating to Issue Fees or Notices of Allowance and associated with numeric code 0126 appear on either the mail log record or the docketing report.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 21, 2008

/Aaron F. Bourgeois/
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